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December 17, 2010

## VIA FACSIMILE AND ECF

Hon. Michael H. Dolinger  
United States Magistrate Judge  
Federal District Court for the Southern District of New York  
500 Pearl Street, Courtroom 17D  
New York, New York, 10007  
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RE: Textport Fabrics Corp. v. David J. Brown a/k/a David-Joseph Brown  
Civil Action No.: 10-CV-02774 (VM)(MHD)

ENDORSED  
ORDER

*Defendant's opposition  
papers to plaintiff's  
summary judgment motion  
are to be served and  
filed by Jan. 3, 2011.  
Plaintiff's reply will be  
due by Jan. 17, 2011.*

*Mr. [unclear]  
12/17/10*

Honorable Magistrate Dolinger:

This firm represents defendant David J. Brown in the above referenced action. We write to respectfully request a final adjournment of the motion for summary judgment pursuant to FRCP 56 of plaintiff Textport Fabrics Corp. ("Plaintiff"), presently returnable on January 14, 2011 (the "Motion"); Mr. Brown presently must respond to the Motion by December 20, 2010. Since we last wrote Your Honor, the parties have engaged in very active settlement negotiations and, respectfully, are extremely close to a final settlement. This final adjournment is sought in order to permit Mr. Brown to continue negotiating with Plaintiff in a good faith effort to resolve the dispute, without expending what may be unnecessary resources opposing the motion.

The requested final adjournment is as follows: (a) the Motion be made returnable February 10, 2011, or such later date that is convenient to the Court; (b) Mr. Brown's response to the motion, if any, shall be served by January 24, 2011; (c) Plaintiff's reply papers, if any, shall be served no later than fourteen (14) days after the service of the responsive papers. One prior request for an adjournment of the Motion has been made, which the Court granted. Plaintiff has, unfortunately, only offered to extend Mr. Brown's time to respond for two (2) days, until December 22, 2010, although Plaintiff continues settlement negotiations with Mr. Brown. Respectfully, the proffered incredibly short extension does not permit sufficient time for Mr. Brown to both continue good-faith negotiations and respond to the Motion should the negotiations unfortunately fail. As such, Mr. Brown seeks the requested final adjournment as set-forth herein.





Honorable Magistrate Delinger  
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We remain at the Court's disposal should Your Honor have any questions or directives regarding the foregoing.

Respectfully submitted,

SEYFARTH SHAW LLP  


Eddy Salcedo

ES/

cc: Jeffrey L. Noguee, Esq. (via email: [jnoguee@borahgoldstein.com](mailto:jnoguee@borahgoldstein.com))

